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## **Chapter 14. Special Assessments**

### **Sec. 14.1. Council resolution.**

The Council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited in proportion to benefits received and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments (which shall be in proportion to benefits received) and what part, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and shall designate the districts or parcel of land or premises upon which special assessments shall be levied, and the proportion to be assessed against each such district or parcel of land or premises.

### **Sec. 14.2. Hazards and nuisances.**

When any lot, building, or structure within the city, because of age or dilapidation, the accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or because of any other condition or happening, becomes, in the opinion of the Council, a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the city or of those residing or habitually going near such lot, building, or structure, the Council may, after investigation, give notice by publication or by registered mail addressed to the last known address of the owner or owners of the land upon which such nuisance exists, or to the owner or occupant of the building or structure itself, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, abate or remove the nuisance promptly and within a time to be specified by the Council, which shall be commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Council may order such hazard or nuisance abated by the proper department or agency of the city which is qualified to do the work required, or may do the work by contract or by hire, and the cost of such abatement assessed against the lot, premises, or description of real property upon which such hazard or nuisance is located, by special assessment.

### **Sec. 14.3. Procedure to be fixed by ordinance.**

The Council shall prescribe by general ordinance complete special assessment procedure concerning the initiation of projects, plans and specifications, estimate of costs, determination of benefits received by the affected properties and the respective proportions thereof, notice and hearing, the making and confirming of the assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements or removal of hazards or nuisances by the special assessment method.

### **Sec. 14.4. Contested assessments.**

Except and unless notice is given to the Council in writing of an intention to contest or enjoin the collection of any special assessment for the construction of any public improvement or the removal or abatement of any public hazard or nuisance, within fifteen (15) days after the date of the resolution of the Council confirming the assessment roll for such improvement as prescribed by the ordinance authorized by Section 14.3, which notice shall state the grounds on which the proceedings are to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessment.

**Sec. 14.5. Objection to special assessments.**

If, at or prior to a meeting of the council to establish a special assessment district in accordance with ordinances providing therefor, property owners of property located in the special assessment district whose property in the aggregate was assessed at fifty per cent (50%) or more of the total assessed value of the privately owned real property located therein, in accordance with the last preceding general assessment role or in case of paving or similar improvement, fifty per cent (50%) of the frontage is to be assessed for any such improvement shall object in writing to the proposed improvement, the improvement shall not be made without a four-fifths (4/5) affirmative vote of the members of the council.

Editor's note--Section 14.5 was adopted by a referendum held November 9, 1968.